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OXNARD, CALIFORNIA 93036

INTELLECTUAL PROPERTY LAW INCLUDING PATENTS,
TRADEMARKS, COPYRIGHTS AND RELATED MATTERS

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AUG 02 2005

Facsimile Cover Sheet

To: USPTO
ATTN: Group Art Unit 2173

From: Mark Watson

Fax: (703) 872-9306

Pages: Cover + 11

Re: Serial No.: 09/682,185
Filed: August 2, 2001
Attorney Docket No: MCS-035-01 (172002.01)

Date: August 2, 2005

☒ **Urgent**

☒ **For Review**

☐ **Please Comment**

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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on August 2, 2005

Date

Mark Watson
Signature

Mark Watson, Registration No. 41,370

Typed or printed name of person signing Certificate

This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page)
2. Copy of Petition to Withdraw Holding of Abandonment filed on May 26, 2005 (10 pages)
3. Copy of Transmission Verification Report showing facsimile transmittal of Petition to Withdraw Holding of Abandonment to the USPTO Office of Petitions on May 26, 2005.

Please note that the attached paperwork is a copy of a Petition to Withdraw a holding of Abandonment filed via fax with the USPTO Office of Petitions on May 26, 2005. As proof of transmission of the Petition on May 26, 2005 a copy of the Facsimile Verification Report indicating transmission to the USPTO Office of Petitions fax number of (571) 273-0025 is also attached. The USPTO Office of Petitions has stated that they have no record of receiving the original Petition. Consequently, it is being retransmitted with this new cover sheet.

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PAGE 02

TRANSMISSION VERIFICATION REPORT

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Facsimile Cover Sheet

To: USPTO
ATTN: Office of Patent Petitions

From: Mark Watson

Fax: (571) 273-0025

Pages: Cover + 9

Re: Serial No.: 09/682,185
Filed: August 2, 2001
Attorney Docket No: MCS-035-01 (172002.01)

Date: May 26, 2005

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on May 26, 2005
Date

Mark Watson
Signature

Mark Watson, Registration No. 41,370
Typed or printed name of person signing Certificate

This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page)
2. Copy of Notice of Abandonment (2 pages)
3. Petition to Withdraw Holding of Abandonment under 37 CFR. §1.181 (3 pages)
4. Copy of Issue Fee Payment and Credit Card Payment Form faxed to USPTO on 2/8/2005 (2 pages)
5. Copy of Auto-Reply Facsimile Trans., indicating receipt of item (4) above, dated 2/8/2005 (1 page)
6. Credit Card Payment Form dated 5/26/2005 for payment of Issue Fee and Publication Fee (1 page)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,185	08/02/2001	Steven Adam Breinberg	MCS-035-01	3045
27661	7590	03/16/2005	EXAMINER	
LYON & HARR, LLP 300 ESPLANADE DRIVE, SUITE 800 OXNARD, CA 93036			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.


UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09682185

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
 The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____
 Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.